

Application No.: 10/713800
Docket No.: CH2893USNA

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Remarks

Examiner asserts that claims of Group I in which the silicon compound is a silicate or organosilane with the recited formulas are patentably distinct from claims of Group II in which the silicon compound is among a list of compounds. Examiner states the claims of Group I and Group II represent patentably distinct species. Examiner further states that Claim 1 is generic.

Under MPEP 806.04(f) claims to be restricted to different species must be mutually exclusive. Applicant asserts the claims of Group I and the claims of Group II are not mutually exclusive.

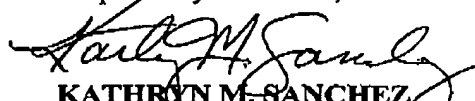
Claim 8 of Group I specifies the silicon compound is a silicate or an organoalkoxysilane. Claim 8 further defines the silicate as having the formula $\text{Si}(\text{R})_4$, wherein each R is independently OCH_3 , OCH_2CH_3 , $(\text{OCH}_2\text{CH}_2)_m\text{OCH}_3$, wherein m is 1 to 10, or combinations of two or more thereof. Claim 8 further defines the organoalkoxysilane as having the formula of $\text{R}^2_q\text{Si}(\text{OR}^3)_{4-q}$, wherein each R^2 is independently an alkyl group containing about 1 to about 10 carbon atoms; each R^3 is independently an alkyl group containing 1 to about 3 carbon atoms; and q is 1 to 3.

Claim 10 of Group II provides a specific list of silicon compounds. Each silicon compound listed in Claim 10 is within the broader definition of either silicate or organoalkoxysilane as defined in claim 8. The first compound listed in Claim 10, tetrakis(2-(2-methoxyethoxy)ethoxy)silicate, is a specific example of a silicate as defined in Claim 8. Support can be found in the specification on page 5, lines 26-27. The remaining compounds listed in Claim 10, dimethyldimethoxysilane, methyltrimethoxy silane, methyltriethoxysilane, 3-aminopropyltriethoxy silane, N-(2-aminoethyl)3-aminopropyldiethoxy silane, 3-glycidoxypropyltrimethoxy silane, one or more partial condensation products thereof, are each examples of organoalkoxysilanes as defined in Claim 8. Support can be found in the specification at page 3, line 29 bridging to page 4, line 2.

Applicants further direct Examiner that Claim 10 is dependent on Claim 8 through Claim 9.

Applicants therefore respectfully submit that the restriction requirement is improper and request that the restriction requirement be withdrawn.

Respectfully submitted,



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